

DETAILED ACTION

Terminal Disclaimer

1. The terminal disclaimer filed on May 8, 2008 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. 7,250,022 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Information Disclosure Statement

2. The information disclosure statement filed November 5, 2007 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Allowable Subject Matter

3. Claims 1-4, 6-32, 35-38, and 40-62 are allowed. Applicant filed a timely and proper terminal disclaimer overcoming the obviousness-type double patenting rejection filed 04/30/2008. The prior art of record fails to teach an exerciser including a single resilient rod and a variable resistance system including cables and pulleys that vary the mechanical advantage usable to flex the single resilient rod. The prior art fails to teach the additional features of a resistance selector system, the squat apparatus rollably coupled to the cable and pulley system, and the automatic resistance adjustment

mechanism as substantially claimed in the subsequent claims. Prior art such as Fontenot (U.S. 6,113,522) and Shifferaw (U.S. 4,620,704) teach the current state of the art with respect to resilient elongate rods in weight training equipment. Shifferaw fails to teach or make obvious a single rod that can provide a variable resistance as substantially claimed, and Fontenot fails to teach or make obvious the pulley and cable assembly as substantially claimed in conjunction with a resilient rod.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fenn C. Mathew whose telephone number is (571) 272-4978. The examiner can normally be reached on Monday - Friday 9:00am - 5:30pm.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 3764

/Fenn C Mathew/

Primary Examiner, Art Unit 3764

May 16, 2008